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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/811,508	
	<b>Filing Date</b>	March 26, 2004	
	<b>First Named Inventor</b>	Xing Cheng	
	<b>Group Art Unit</b>	1653	
	<b>Examiner Name</b>	Unassigned	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	26-003820US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	PTO form 1449, cited references and receipt acknowledgment postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<b>Authorization to Charge Deposit Account</b> Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Jonathan Alan Quine, Reg. No. 41,261, Quine Intellectual Property Law Group, P.C.		
Signature			
Date	December 9, 2004		

**CERTIFICATE OF MAILING**

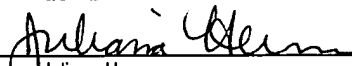
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Juliana Hermes		
Signature		Date	December 9, 2004



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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By

  
Juliana Hermes

Attorney Docket No. 26-003820US  
Client Ref. No. NS220US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Xing Cheng, et al.

Application No.: 10/811,508

Filed: March 26, 2004

For: COMPOSITIONS AND METHODS  
INVOLVING RESPIRATORY  
SYNCYTIAL VIRUS SUBGROUP B  
STRAIN 9320

Confirmation No.

Examiner: Unassigned

Art Unit: 1653

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR § 1.97 and  
§ 1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

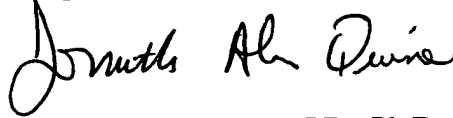
The references cited on attached form PTO-1449 are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

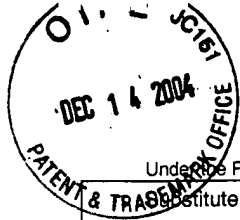
Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action on the merits per 37 CFR 1.97(b)(3). However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0893. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan Alan Quine". The signature is fluid and cursive, with the first name "Jonathan" being more prominent.

Jonathan Alan Quine, J.D., Ph.D., Reg. No. 41,261  
For Monica Elrod-Erickson, Reg. No. 51,651

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

## Complete if Known

Application Number	10/811,508
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First Named Inventor	Xing Cheng
Group Art Unit	1653
Examiner Name	Unassigned
Attorney Docket Number	26-003820US
Date Submitted	December 9, 2004

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, lines, Where Relevant Passages or Relevant Figures Appeal
		Number	Kind Code (if known)			
	1	6,225,091		Klein et al	05-01-2001	
	2	6,713,066		Collins et al	03-30-2004	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (if known)				
	3	WO	2002/44334		Aviron et al	06-06-2002		
	4	WO	2004/028478		MedImmune Vaccines, Inc. et al.	04/08/2004		

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	5	<b>Bermingham and Collins</b> (1999) "The M2-2 protein of human respiratory syncytial virus is a regulatory factor involved in the balance between RNA replication and transcription" <u>Proc. Natl. Acad. Sci. USA</u> 96:11259-11264.	
	6	<b>Cheng et al.</b> (2001) "Chimeric subgroup A respiratory syncytial virus with the glycoproteins substituted by those of subgroup B and RSV without the M2-2 gene are attenuated in African green monkeys" <u>Virology</u> 283:59-68.	
	7	<b>Collins et al.</b> (1995) "Production of infectious human respiratory syncytial virus from cloned cDNA confirms an essential role for the transcription elongation factor from the 5' proximal open reading frame of the M2 mRNA in gene expression and provides a capability for vaccine development" <u>Proc. Natl. Acad. Sci.</u> 92:11563-11567	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449A-B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>	<b>Complete if Known</b>	
	Application Number	<b>10/811,508</b>
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8	<b>Collins et al. (1999)</b> "Support plasmids and support proteins required for recovery of recombinant respiratory syncytial virus" <u>Virology</u> 259:251-255	
9	<b>Hardy &amp; Wertz (2000)</b> "The Cys(3)-His(1) motif of the respiratory syncytial virus M2-1 protein is essential for protein function" <u>J. Virol.</u> 74(13):5880-5.	
10	<b>Jin et al. (1998)</b> "Recombinant human respiratory syncytial virus (RSV) from cDNA and construction of subgroup A and B chimeric RSV" <u>Virology</u> 251:206-214	
11	<b>Jin et al. (2000)</b> "Respiratory syncytial virus that lacks open reading frame 2 of the M2 gene (M2-2) has altered growth characteristics and is attenuated in rodents" <u>J. Virol.</u> 74:74-82;	
12	<b>Jin et al. (2000)</b> "Recombinant respiratory syncytial viruses with deletions in the NS1, NS2, SH, and M2-2 genes are attenuated in vitro and in vivo" <u>Virology</u> 273:210-218;	
13	<b>Jin et al. (2003)</b> "Evaluation of recombinant respiratory syncytial virus gene deletion mutants in African green monkeys for their potential as live attenuated vaccine candidates" <u>Vaccine</u> 21:3647-3652	
14	<b>Karron et al. (1997)</b> "Respiratory syncytial virus (RSV) SH and G proteins are not essential for viral replication in vitro: clinical evaluation and molecular characterization of a cold-passaged, attenuated RSV subgroup B mutant" <u>Proc Natl Acad Sci USA</u> 94:13961-13966	
15	<b>Tang et al. (2001)</b> "Requirement of cysteines and length of the human respiratory syncytial virus M2-1 protein for protein function and virus viability" <u>J. Virol.</u> 75:11328-11335	
16	<b>Techaarpornkul et al. (2001)</b> "Functional analysis of recombinant respiratory syncytial virus deletion mutants lacking the small hydrophobic and/or attachment glycoprotein gene" <u>J Virol</u> 75:6825-34	
17	<b>Teng et al. (2000)</b> "Recombinant respiratory syncytial virus that does not express the NS1 or M2-2 protein is highly attenuated and immunogenic in chimpanzees" <u>J Virol</u> 74:9317-9321;	
18	<b>Teng et al. (2001)</b> "Contribution of the respiratory syncytial virus G glycoprotein and its secreted and membrane-bound forms to virus replication in vitro and in vivo" <u>Virology</u> 289:283-96).	
19	<b>Whitehead et al. (1999)</b> "Replacement of the F and G proteins of respiratory syncytial virus (RSV) subgroup A with those of subgroup B generates chimeric live attenuated RSV subgroup B vaccine candidates" <u>J Virol</u> 73:9773-9780	
20	GenBank accession number: M73544	
21	GenBank accession number: S75820	
22	GenBank accession number: D00334	
23	GenBank accession number: D00392	
24	GenBank accession number: D00393	

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	25	GenBank accession number: D00394	
	26	GenBank accession number: D00395	
	27	GenBank accession number: D00396	
	28	GenBank accession number: D00397	
	29	GenBank accession number: D00736	
	30	GenBank accession number: D01042	
	31	GenBank accession number: M17213	
	32	GenBank accession number: AF013254	

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